

Ecology: Leanne, Andrew, Dustin

EPA: Chris, Ben, Laurie (for first half hour)

Averaging

This discussion stemmed from Andrew's email explaining the vertical averaging techniques to be utilized in the model.

- Andrew specified that the email was specific to the techniques being utilized in Budd Inlet, and not in the Puget Sound model. We'd like the two to be as close as possible, but there may need to be some differences due to differences in the watershed.
- EPA expressed some discomfort with average. There is not much consistency in how averaging is done across different TMDLs. Averaging has been done without a problem for TMDLs but EPA did receive pushback from headquarters on the Pend Oreille TMDL.
- EPA expressed that averaging techniques will need to be thoroughly explained and why/how it was developed and how it relates to biology and or policy issues.
 - ➔ Ecology will need to provide an explanation in the TMDL as to how the averaging protects beneficial use and biotic communities present.
 - ➔ Laurie encouraged Ecology to think about what the stakeholders want to see – ultimately it was the stakeholders that were upset with the averaging in the Pend Oreille case.
- Andrew explained that the averaging does not mask anything – the model still shows that the dam is still the major issue and that LOTT still has an impact. The averaging does not get anyone off the hook – so we would not expect too much push back.

Summary: EPA is ok with averaging techniques, but Ecology will need to provide a detailed explanation of how they were carried out and our reasoning for doing so. Ecology will need to do this for all averaging (vertical and horizontal).

Next Steps: Chris is going to pass on some information to Leanne/Andrew about the Pend Oreille case and what was done in the Chesapeake.

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Bubble/Phased Allocation Approach

- Dustin started off by asking if we do the phased/bubble approach - will that require the Puget Sound work to become a TMDL?
 - ➔ Chris said that it would probably be safer if the Puget Sound work was a TMDL but if there is an alternative framework that that Ecology is contemplating that would *give assurances equivalent to a TMDL* EPA would be willing to discuss that.
 - ➔ We're not sure what that framework would be.

- Dustin explained that the concern is that if Ecology calls it a TMDL it becomes harder to get the work done. The work will contain most/all the elements of a TMDL.
- Ecology agreed that SWRO should move forward with the assumption that a bubble allocation/phased approach is allowable – and the Puget Sound work will either become a TMDL or something that meets the equivalent needs.

Summary: If we use the bubble/phased TMDL approach the Puget Sounds will likely, but not necessarily, need to become a TMDL. SWRO will move forward under the assumption that the bubble/phased approach is a go.

Next Steps: Dustin is going to move forward with discussing the Puget Sound/TMDL issue with HQ. There is a meeting in January where he hopes to get some feedback.

Leanne and Andrew will move forward in getting approval from SW and the WQP to move forward with the phased approach. We plan to brief Rich and then queue up a meeting with Heather.

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Reasonable Assurance

- Andrew summarized from his recent email to Chris that at our last meeting (12/1/16) there is not a “high” likelihood of solving the capitol lake problem (although there is a good opportunity) and there is no way to meet water quality standards without solving the capitol lake problem.
 - ➔ At that meeting is seemed that if this is the only shortcoming in a future Budd Inlet TMDL, EPA would be able to approve the TMDL.
- Chris confirmed that the Capitol lake issue would not be a reason to not approve the TMDL but if they were challenged in court then it would have to be addressed.
- Andrew expressed that there is no way we can write a TMDL that forces DES to remove the dam and hopefully potential litigators would understand that.
- Andrew suggested that at some point we should have a conversation with Nina Bell at Northwest Environmental Advocates. This might occur a year from now.

Summary: The issue of reasonable assurance associated with Capitol Lake will not prevent the TMDL from being approved, but we should all be ready for the potential that it might bring litigation.

Next Steps: None for now, in a year we should meet with Nina Bell at NWEA to generally discuss issues and concerns.

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Other items

- Andrew expressed that he sees these meetings as way for Ecology to keep momentum for the project moving forward and identify red flags as they come up.

- It will help Ecology stay up to speed on issues EPA feels may be relevant to our project.
- Chris suggested that we also look into receiving email updates from the Association of Clean Water Administrators. Leanne will look into this.

Future Agenda Items and Meetings

At the next meeting we will have a general discussion about aesthetic use. The main purpose will be for Ecology to hear EPA's concerns/thoughts and ask questions.

Our next meeting will be Tuesday, December 20th at 4:00. Dustin is inviting Helen Bresler to attend.

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